

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ANTOLIN ANDREW MARKS,

Plaintiff,

V.

TOM GILES, *et al.*,

Defendants.

No. 07-5572RJB/JRC

ORDER TO SHOW CAUSE

This 42 U.S.C. § 1983 Civil Rights action has been referred to the undersigned

Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and 636(b)(1)(B) and Local

Magistrate Judges' Rules MJR 1, MJR 3, and MJR 4. The Honorable Magistrate Judge Arnold

has taken recall status and this action has been reassigned. The only issue remaining in this

action is plaintiff's allegation that the conditions of confinement in the segregation unit were

unconstitutional. The only remaining defendants are federal employees, Tom Giles and Jack

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ORDER TO SHOW CAUSE - 1

1 Now before the court is plaintiff's motion asking for an order to show cause (Dkt. # 40).

2 Plaintiff has filed two other motions, one to compel responses to discovery, and one for
3 restoration of property allegedly taken from him (Dkt. # 41 and 42).

4 The motion for return of documents is related to the motion now before the court. The
5 motion to restore property, (Dkt. # 42), is re-noted by the court for **May 1, 2009**. This will give
6 defendants time to address the Order to Show Cause.
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8 Plaintiff complains that certain legal materials including papers and possibly computer
9 disks relating to this action have been taken from him. He alleges Tom Giles played a part in
10 taking the items. He also alleges the amount of time he is allowed in the law library has been cut
11 to five hours a week. Plaintiff lists a number of issues in his pleading, but the court today limits
12 the order to show cause to the queries listed below.

13 Plaintiff's order to show cause is **GRANTED** to the following extent. Defendant Giles is
14 hereby **ORDERED TO SHOW CAUSE** and answer the following questions on or before **May 1,**
15 **2009.**

- 17 1. Were any items taken from Mr. Marks/Rudder in February of this year or
18 February of 2008?
- 19 2. If items were taken, did Mr. Giles play any part in taking the items, or in the
20 decision to take the items?
- 21 3. If items were taken, what was taken and why were they taken?
- 22 4. If items were taken, can they be returned, or, is there a reason they should not
23 be returned? If defendant claims there is a security issue, the issue will need
24 to be briefed in detail.

5. Has Mr. Marks/Rudder's access to the law library been curtailed below ten hours per week, if so why?

The clerk of court is directed to send copies of this order to Plaintiff and Counsel for defendants. Further, the clerk's office is directed to re-note the motion for restoration of property, (Dkt # 42), for **May 1, 2009**.

DATED this 3rd day of April, 2009.

J. K. Ward (matins)

J. Richard Creature
United States Magistrate Judge